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MICHAEL SAMUEL

July 28, 2025

ADMITTED IN NY

Honorable Jeannette A. Vargas, U.S.D.J.
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

MEMO ENDORSED

RE: *Rodriguez et al v. Inwood Restaurant Corp. et al*
Docket No.: 1:24-cv-09473-JAV

Dear Judge Vargas,

This firm represents Plaintiffs in the above-referenced matter. We write to provide a procedural update and respectfully seek the Court's guidance regarding the necessity of re-filing Plaintiffs' Motion for Default Judgment.

By way of background:

(1) A copy of the amended summons and complaint was initially served on defendants Inwood Restaurant Corp. d/b/a La Nueva Espana, 606 Restaurant Corp. and Franco Jimenez, on January 15, 2025, and executed summonses were filed on January 21, 2025 (Dkt. Nos. 13, 14 and 15).

(2) Defendants Inwood Restaurant Corp. d/b/a La Nueva Espana, 606 Restaurant Corp. and Franco Jimenez have failed to answer or otherwise move with respect to the amended complaint, and the Clerk of the Court entered a Certificate of Default on February 11, 2025 (Dkt. No. 22).

(3) On March 18, 2025, Plaintiffs filed a motion for default judgment against defendants Inwood Restaurant Corp. d/b/a La Nueva Espana, 606 Restaurant Corp. and Franco Jimenez (Dkt. Nos. 28-29).

(4) On May 19, 2025, the Court directed Plaintiffs to additionally serve the corporate defendants Inwood Restaurant Corp. d/b/a La Nueva Espana, 606 Restaurant Corp. via the New York Secretary of State, and to seek new Certificates of Default, if Defendants fail to appear following such service (Dkt. No. 34).

(5) In accordance with the Court's Order, on May 27, 2025, the corporate defendants were *additionally* served via the New York Secretary of State, and executed summonses were filed on June 03, 2025, (Dkt. Nos. 37 and 38).

(6) Defendants again failed to appear, and a new Certificate of Default as to all Defendants was entered by the Clerk on July 28, 2025 (Dkt. No. 43).

In light of the foregoing, Plaintiffs respectfully request the Court's instruction as to whether the previously filed Motion for Default Judgment (Dkt. Nos. 28–29) remains pending or whether it must be re-filed in light of the renewed service and default.

We appreciate the Court's attention and courtesies as to this matter and are available should Your Honor require any further information.

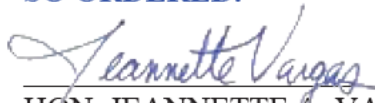
Respectfully submitted,

By: /s/ Michael Samuel
Michael Samuel, Esq.

Plaintiffs' previously filed Motion for Default Judgment remains pending.
Plaintiffs do not need to refile their papers, but should be prepared to discuss service at the hearing scheduled for August 18, 2025.

SO ORDERED.

Date: July 28, 2025



HON. JEANNETTE A. VARGAS
UNITED STATES DISTRICT JUDGE